

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

BRYCE DESHANE DAVIS, )  
                            )  
Plaintiff,               )  
                            )  
v.                         )                          No. 1:22-CV-35-AGF  
                            )  
UNKNOWN RODGERS, et al., )  
                            )  
Defendants.              )

**MEMORANDUM AND ORDER**

Before the Court are two summonses that were returned unexecuted by the United States Marshals Service. The first summons relates to defendant Rodger Burton, and the second summons relates to defendant Dave Light. Pursuant to a previous order of this Court, the Clerk of Court was instructed to issue process or cause process to be issued upon the amended complaint as to Burton and Light. Because plaintiff identified Burton and Light as employees of the Butler County Detention Center, the Court directed they be served by issuance of summons and service by the U.S Marshal's Service at that location. However, the Process Receipt and Return forms indicate that the U.S. Marshal's Service was unable to locate Burton and Light at that location because they are no longer employed there.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Because plaintiff is proceeding *in forma pauperis*, the Court is required to serve process on his behalf. However, plaintiff remains responsible for providing the Court with adequate information to permit each defendant to be located and served. The Court will therefore instruct

plaintiff to provide the Court with adequate information to permit defendants Rodger Burton and Dave Light to be located and served.

Accordingly,

**IT IS HEREBY ORDERED** that, **within thirty (30) days of the date of this order**, plaintiff shall provide the Court with adequate information to permit Rodger Burton and Dave Light to be located and served.

**Plaintiff's failure to timely and fully comply with this order may result in the dismissal of Rodger Burton and/or Dave Light from this action, without prejudice and without further notice.**

Dated this 9th day of November, 2022.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE